

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIYAM AKMAL,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY, INC., MANPOWERGROUP,
INC. SHORT-TERM DISABILITY PLAN,
MANPOWERGROUP, INC., and NANCY
BRASEFIELD,

Defendants.

NO. 2:23-cv-01382-RSM

ORDER GRANTING DEFENDANTS
METROPOLITAN LIFE INSURANCE
COMPANY, INC. AND NANCY
BRASEFIELD'S MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT

This matter comes before the Court on Defendants Metropolitan Life Insurance Company (erroneously sued as Metropolitan Life Insurance Company, Inc.) and Nancy Brasefield's ("Defendants") Motion to Dismiss Plaintiff Mariyam Akmal's ("Plaintiff") Amended Complaint, Dkt. #14. Plaintiff Mariyam Akmal has failed to file a response, and the Court interprets that failure as an admission that the Motion has merit. *See* LCR 7(b)(2). Having considered the above Motion, and finding good cause therein, the Court hereby FINDS and ORDERS:

1. Defendant Brasefield is not a proper defendant because she is an employee of MetLife, has no authority under the Plan to pay benefit claims from Plan assets, and does not control the administration of the Plan. Ms. Brasefield is accordingly

1 dismissed from this action.

- 2 2. Submitted records, considered by the Court as their authenticity is not contested
3 and the documents are necessarily relied on by Plaintiff's Complaint, indicate that
4 the contractual time limitation in which she could file this action expired on
5 September 21, 2021, and that Plaintiff was explicitly informed of this date by
6 letter. This action was not filed until December 13, 2022. Accordingly, all of
7 Plaintiff's claims are dismissed as they are barred by the contractual limitations
8 provisions of the Plan.
- 9 3. Plaintiff's Third Cause of Action for Contract Interference Under 42 U.S.C. §
10 1981 is dismissed as it fails to state a cause of action. Plaintiff has not alleged any
11 facts to suggest that Defendants' actions had a discriminatory purpose or motive,
12 or that Defendants' actions were in any way motivated by Plaintiff's race.
- 13 4. This case is CLOSED.

14 **IT IS SO ORDERED.**

15 DATED this 3rd day of November, 2023.

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19 RICARDO S. MARTINEZ
20 UNITED STATES DISTRICT JUDGE
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